

SUPREME COURT OF ARKANSAS

No.

IN RE: Rules Governing Admission to the
Bar of Arkansas

Opinion Delivered 11-30-06

PER CURIAM

We have before us two recommendations from the Board of Law Examiners (Board) for changes pertaining to the Arkansas Bar Examination. First, the Board recommends modifications in the manner in which certain essay questions are prepared. Second, the Board recommends an increase in the fee for the Arkansas Bar Examination.

DEVELOPMENT OF ESSAY QUESTIONS

On November 30, 2000, we issued a *per curiam* order adopting significant changes in the content of the Arkansas Bar Examination. We concluded there would be eight (8) essay questions on the following subjects: Practice & Procedure; Commercial Transactions; Business Organizations; Criminal Law & Procedure; Torts; Property; Wills, Estates, & Trusts; and Equity & Domestic Relations.

We also determined that the development of questions and answers for the first three (3) of those subjects (Practice & Procedure, Commercial Transactions, and Business Organizations) would be done by the National Conference of Bar Examiners (NCBE) and

presented to the applicants via the Multistate Essay Examination (MEE). The remaining five (5) questions are prepared by members of the Board.

MEE questions are developed over a period of approximately eighteen (18) months. A committee composed of practicing lawyers, judges, and law school professors develop the first draft of the question. It is then refined over a period of time and ultimately is “field tested” by a group of individuals who have recently passed their State’s Bar Exam. As a result of that field test, the question is revised once again and is ready for use by the various jurisdictions. At the moment, nineteen (19) states currently utilize the MEE.

After the question is given, a calibration session is held in Chicago. All Arkansas Board members will attend that calibration session and, in the company of examiners from all other jurisdictions, “calibrate” or determine the appropriate weight to be given to each significant issue raised in the question.

For the above reasons, the Board has asked that the MEE be utilized as the testing vehicle for all eight (8) essay questions. We accept that recommendation and direct that all essay subjects given on the Arkansas Bar Examination, as set out in our *per curiam* order of November 30, 2000, make use of the MEE as the question for that subject area. This order is effective with the questions to be given during the July 2007 Arkansas Bar Examination.

INCREASE IN BAR EXAMINATION FEE

As decided above, the MEE, effective in July 2007, will become the testing device for all essay questions. That requirement will lead to significant additional costs in purchasing those questions from the National Conference of Bar Examiners and paying for the attendance of Arkansas examiners at the Chicago grading session twice a year.

Further, the Board notes that the number of applicants has reached the point where an additional day has been added to the grading session to ensure that the examiners have ample time to grade the answers.

Finally, the Board allows the use of laptop computers by examinees during the examination. This option results in increased expense for the purchase of the necessary software for each applicant and in providing technical support during the examination and the printing of the answers.

Consequently, the Board recommends that the Bar examination fee, which is currently \$325.00, be increased to \$400.00, effective with the July 2007 Arkansas Bar Examination. The Board notes that such a fee will remain one of the lowest in the nation. We agree with the Board's recommendation.

Therefore, in line with Rule XI of the *Rules Governing Admission to the Bar*, the examination fee for the general Arkansas Bar Examination is set at \$400.00, effective with the July 2007 examination.

